

Adopted	Rejected
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## COMMITTEE REPORT

YES:	9
NO:	2

### MR. SPEAKER:

*Your Committee on Public Policy, to which was referred House Bill 1153, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1       Page 2, between lines 28 and 29, begin a new line block indented
- 2       and insert:
- 3       **"(5) Slot machine wagering under IC 4-35."**
- 4       Page 2, between lines 37 and 38, begin a new paragraph and insert:
- 5       **"Sec. 6. "Executive director" means the executive director of the**
- 6       **Indiana gaming commission appointed under IC 4-33-3-18."**
- 7       Page 2, line 38, delete "6." and insert "7."
- 8       Page 3, line 6, delete "7." and insert "8."
- 9       Page 3, line 9, delete "8." and insert "9."
- 10      Page 3, line 10, delete "IC 4-36-6-1." and insert **"IC 4-36-6-3."**
- 11      Page 3, line 11, delete "9." and insert **"10."**
- 12      Page 3, line 14, delete "10." and insert **"11."**
- 13      Page 3, line 16, delete "11." and insert **"12."**
- 14      Page 3, line 18, delete "12." and insert **"13."**
- 15      Page 3, line 21, delete "13." and insert **"14."**

1 Page 3, line 24, delete "14." and insert "15."

2 Page 3, line 25, delete "15." and insert "16."

3 Page 3, line 27, delete "16." and insert "17."

4 Page 3, line 29, delete "17." and insert "18."

5 Page 3, line 34, delete "18." and insert "19."

6 Page 3, line 36, delete "19." and insert "20."

7 Page 3, line 39, delete "20." and insert "21."

8 Page 4, between lines 3 and 4, begin a new paragraph and insert:

9 **"(c) The commission may by resolution assign to the executive**  
10 **director any duty imposed upon the commission by this article.**

11 **(d) The executive director shall perform the duties assigned to**  
12 **the executive director by the commission. The executive director**  
13 **may exercise any power conferred upon the commission by this**  
14 **article that is consistent with the duties assigned to the executive**  
15 **director under subsection (c)."**

16 Page 4, line 12, after "3." insert "(a)".

17 Page 4, between lines 15 and 16, begin a new paragraph and insert:

18 **"(b) The commission may adopt emergency rules under**  
19 **IC 4-22-2-37.1 for the administration of this article if the**  
20 **commission determines that:**

21 **(1) the need for a rule is so immediate and substantial that**  
22 **rulemaking procedures under IC 4-22-2-13 through**  
23 **IC 4-22-2-36 are inadequate to address the need; and**

24 **(2) an emergency rule is likely to address the need."**

25 Page 4, line 19, delete "qualified".

26 Page 4, line 23, after "article." insert "A retailer's license allows  
27 the retailer to conduct type II gaming at only the licensed premises  
28 specified in the retailer's application under section 3(b)(2) of this  
29 chapter. An applicant must obtain a separate retailer's license for  
30 each licensed premises on which the applicant wishes to conduct  
31 type II gaming."

32 Page 4, between lines 34 and 35, begin a new line block indented  
33 and insert:

34 **"(5) A person holding a gambling game license issued under**  
35 **IC 4-35-5."**

36 Page 4, between lines 40 and 41, begin a new line block indented  
37 and insert:

38 **"(2) The name and address of the licensed premises for which**

1           **the applicant seeks a retailer's license."**

2           Page 4, line 41, delete "(2)" and insert "(3)".

3           Page 5, line 1, delete "(3)" and insert "(4)".

4           Page 9, between lines 21 and 22, begin a new line block indented  
5 and insert:

6           **"(3) The retailer offering the type II gambling game.**

7           **(4) A person employed by the retailer offering the type II**  
8           **gambling game."**

9           Page 9, between lines 22 and 23, begin a new paragraph and insert:

10          **"Sec. 1. As used in this chapter, "county resident student"**  
11          **means a student who:**

12               **(1) resides in a county that makes a distribution required by**  
13               **section 7(a)(2) or 8(a)(2) of this chapter; and**

14               **(2) is enrolled in a school corporation that has at least some**  
15               **territory within the county in which the student resides.**

16          **Sec. 2. As used in this chapter, "school corporation" has the**  
17          **meaning set forth in IC 36-1-2-17."**

18          Page 9, line 23, delete "1." and insert "3."

19          Page 9, line 25, delete "2." and insert "4."

20          Page 9, line 28, delete "3." and insert "5."

21          Page 9, line 33, delete "4." and insert "6."

22          Page 9, between lines 35 and 36, begin a new paragraph and insert:

23          **"Sec. 7. (a) After funds are appropriated under section 6 of this**  
24          **chapter, each month the treasurer of state shall distribute the fees**  
25          **paid by a retailer under this article in the previous month to the**  
26          **county treasurer of the county in which the retailer is located for**  
27          **distribution as follows:**

28               **(1) Two-thirds (2/3) for allocation among the county and the**  
29               **cities and towns located in the county.**

30               **(2) One-third (1/3) for allocation among the school**  
31               **corporations located in the county.**

32          **(b) The county auditor shall distribute the money received by**  
33          **the county for allocation under subsection (a)(1) as follows:**

34               **(1) To each city located in the county, according to the ratio**  
35               **the city's population bears to the total population of the**  
36               **county.**

37               **(2) To each town located in the county, according to the ratio**  
38               **the town's population bears to the total population of the**

1 county.

2 (3) After the distributions required in subdivisions (1) and (2)  
3 are made, the remainder shall be retained by the county.

4 (c) The money received by the county for allocation under  
5 subsection (a)(2) must be divided among the school corporations on  
6 a pro rata basis according to the ratio the number of county  
7 resident students enrolled in each school corporation bears to the  
8 total number of county resident students enrolled in the school  
9 corporations located in the county. Revenue received by a school  
10 corporation under this section is considered miscellaneous revenue.

11 (d) Money allocated under this section to a county, city, town, or  
12 school corporation may be used for any lawful purpose.

13 Sec. 8. (a) After funds are appropriated under section 6 of this  
14 chapter, each month the treasurer of state shall distribute the  
15 amount certified under IC 4-36-10-8 for a particular county to the  
16 county treasurer of that county for distribution as follows:

17 (1) Two-thirds ( $2/3$ ) for allocation among the county and the  
18 cities and towns located in the county.

19 (2) One-third ( $1/3$ ) for allocation among the school  
20 corporations located in the county.

21 (b) The county auditor shall distribute the money received by  
22 the county for allocation under subsection (a)(1) as follows:

23 (1) To each city located in the county, according to the ratio  
24 the city's population bears to the total population of the  
25 county.

26 (2) To each town located in the county, according to the ratio  
27 the town's population bears to the total population of the  
28 county.

29 (3) After the distributions required in subdivisions (1) and (2)  
30 are made, the remainder shall be retained by the county.

31 (c) The money received by the county for allocation under  
32 subsection (a)(2) must be divided among the school corporations on  
33 a pro rata basis according to the ratio the number of county  
34 resident students enrolled in each school corporation bears to the  
35 total number of county resident students enrolled in the school  
36 corporations located in the county. Revenue received by a school  
37 corporation under this section is considered miscellaneous revenue.

38 (d) Money allocated under this section to a county, city, town, or

1 **school corporation may be used for any lawful purpose."**

2 Page 10, line 39, delete "may, with the approval of the" and insert  
3 **"may"**.

4 Page 10, line 40, delete "governor,".

5 Page 11, delete lines 2 through 3.

6 Page 11, line 4, delete "(3)" and insert **"(2)"**.

7 Page 11, line 9, delete "(4)" and insert **"(3)"**.

8 Page 11, line 11, delete "(5)" and insert **"(4)"**.

9 Page 11, line 13, delete "(6)" and insert **"(5)"**.

10 Page 11, line 17, delete "commissioner." and insert **"executive**  
11 **director."**

12 Page 11, line 22, delete "(7)" and insert **"(6)"**.

13 Page 11, between lines 38 and 39, begin a new paragraph and insert:

14 **"Sec. 4. (a) The state police department shall, at the request of**  
15 **the executive director, provide the following:**

16 (1) Assistance in obtaining criminal history information  
17 relevant to investigations required for honest, secure,  
18 exemplary operations under this article.

19 (2) Any other assistance requested by the executive director  
20 and agreed to by the superintendent of the state police  
21 department.

22 (b) Any other state agency, including the alcohol and tobacco  
23 commission and the Indiana professional licensing agency, shall  
24 upon request provide the executive director with information  
25 relevant to an investigation conducted under this article."

26 Page 12, between lines 38 and 39, begin a new line block indented  
27 and insert:

28 **"(4) The address of each retailer that purchased pull tabs,**  
29 **punchboards, or tip boards from the licensee in the previous**  
30 **calendar month."**

31 Page 13, line 4, after "department" insert **"on a monthly basis"**.

32 Page 13, between lines 15 and 16, begin a new paragraph and insert:

33 **"Sec. 8. Each month the department shall calculate for each**  
34 **county the amount of taxes remitted under this chapter in the**  
35 **previous month that are attributable to the distribution of pull**  
36 **tabs, punchboards, and tip boards to retailers located in the**  
37 **county. Subject to the amounts appropriated to the commission**  
38 **under IC 4-36-6-6, the department shall certify to the treasurer of**

1 state and the county treasurer in each county the amount of the  
 2 taxes remitted in the previous month that the county is entitled to  
 3 receive under IC 4-36-6-8."

4 Page 14, between lines 9 and 10, begin a new paragraph and insert:  
 5 "SECTION 5. IC 7.1-3-27 IS ADDED TO THE INDIANA CODE  
 6 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 7 UPON PASSAGE]:

8 **Chapter 27. Liability Insurance**

9 **Sec. 1. Except as provided in section 2 of this chapter, a person**  
 10 **who:**

- 11 (1) holds a retailer license or permit; and
- 12 (2) sells alcoholic beverages for consumption on the licensed
- 13 or permitted premises;

14 shall procure and, after December 31, 2008, continuously maintain  
 15 a policy of liability insurance to cover the person's liability for  
 16 damages arising out of the person's sale of alcoholic beverages for  
 17 consumption on the licensed premises.

18 **Sec. 2. (a) A person described in section 1 of this chapter is not**  
 19 **required to maintain liability insurance under section 1 of this**  
 20 **chapter if the person holds a certificate of self-insurance issued**  
 21 **under this section.**

22 **(b) The department of insurance may, upon the application of**  
 23 **a person described in section 1 of this chapter, issue to the person**  
 24 **a certificate of self-insurance if the department of insurance is**  
 25 **satisfied that the person making the application possesses and will**  
 26 **continue to possess the ability to pay a judgment obtained against**  
 27 **the person for damages arising out of the person's sale of alcoholic**  
 28 **beverages for consumption on the licensed premises.**

29 **Sec. 3. The minimum amounts of insurance coverage or**  
 30 **self-insurance required under this chapter shall be established in**  
 31 **rules adopted by the insurance commissioner under section 5 of**  
 32 **this chapter.**

33 **Sec. 4. A person who violates this chapter is subject to the**  
 34 **penalties set forth in IC 7.1-3-23.**

35 **Sec. 5. The insurance commissioner shall adopt rules under**  
 36 **IC 4-22-2 to implement this chapter."**

37 Page 14, after line 16, begin a new paragraph and insert:

38 "SECTION 7. [EFFECTIVE UPON PASSAGE] (a) **The insurance**

1        **commissioner appointed under IC 27-1-1-2 shall adopt rules under**  
2        **IC 4-22-2 to implement IC 7.1-3-27, as added by this act, before**  
3        **January 1, 2009.**

4        **(b) This SECTION expires January 2, 2009.**  
5        **SECTION 8. An emergency is declared for this act."**  
6        Renumber all SECTIONS consecutively.  
         (Reference is to HB 1153 as introduced.)

**and when so amended that said bill do pass.**

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Representative Van Haaften